

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, July 2, 2002
Tuesday, 9:02 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev. David Hinyon, Harvest Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The Minutes of the regular meeting of June 25, 2002, were approved 7 to 0.

NEW BUSINESS

OLD TOWN

OLD TOWN COMMEMORATIVE MONUMENT.

Terry Cassady

Development Assistance Director reviewed the Item.

Agenda Report No. 02-1563

An ad hoc group, "Friends of Old Town" supporters have raised private funds for the design, construction and installation of a commemorative monument celebrating the history and development of Old Town. The monument, consisting of a series of vertical brick panels with porcelain inserts, depicts the history of the warehouse district and its conversion (in the 1990s) into the Old Town entertainment district. Four benches are interspersed throughout the monument area for visitors' enjoyment.

The project has been approved by the City's Development Coordinating Committee, Design Review Board, and the Old Town Design Review Board. Establishing the location of the monument on the plaza has been done with the assistance of city staff and the artist. Site selection on the plaza was based on maintaining the continued functionality of the plaza as a community gathering area for public events. The monument location is proposed to be erected on the southeast corner of the plaza, adjacent to the handicapped accessible ramp connected to the plaza deck.

There is no acquisition cost to the City. Private funds will finance the design, construction and installation of the monument. However, the City will assume the responsibility of maintaining the monument. The estimated cost is approximately \$200/year, exclusive of any vandalism or unexpected damage.

The City Council has the authority to accept donations.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Joan Cole

Joan Cole said the donated funds and labor for the project were valued at over \$120,000 for the monument telling the history focusing on the Old Town Market Place.

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- Mayor Knight Mayor Knight expressed concern regarding missing names of persons playing a prominent role in the Old Town development and indicated a desire to have history of important participants (not currently appearing on the list) accurately reflected.
- Joan Cole Joan Cole said she had met with Mr. Vliet regarding his concerns. Ms. Cole also said she had been given about one dozen additional names of persons important in the design. The project designer indicted addition of the names would cause more text than walls available. One of the criteria in the decision was focus on the Old Town Market Place. Other parts of the Old Town Association were not included. The text order has been placed.
- Mayor Knight Mayor Knight said the Monument will be a permanent chronicle of Old Town and the Farm and Art Market and the monument ought to be accurate. Other names of less prominent players have been included.
- Council Member Pisciotte Council Member Pisciotte spoke in support of the project but hoped those persons expressing concern are listened to, and that corrective action is taken.
- Motion -- Fearey moved that the donation of the monument be accepted and installation on the Farm & Art
-- carried Market Plaza be authorized. Motion carried 7 to 0.

PERMIT FEE

BUILDING PERMIT FEE ADJUSTMENT.

Kurt Schroeder Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 02-1564

The Office of Central Inspection has been a self-sustaining Special Revenue Fund since 1984, and has received no funding from the General Fund since that time. The Office of Central Inspection is funded primarily through building construction permit fees, building plan review fees, and business licensing fees.

On December 12, 1995, the City Council adopted Resolution 95-950 setting forth the intent of the City Council with respect to Office of Central Inspection budget reserve levels, permit discounts, increases, and other matters pertaining to the continued operation of the Office of Central Inspection as a Special Revenue Fund.

A key component of Resolution 95-950 was the City Council's stated intent to maintain the Office of Central Inspection operating budget cash reserve at an amount equal to between 3-4 months of the annual OCI expenditure budget. Per the Resolution, permit fees will be discounted or increased as needed to maintain the 3 to 4 month target reserve level.

The Office of Central Inspection operating reserve has risen above the 4-month target level due to strong commercial and residential activity, and presently stands at 4.9 months, despite a 10% building permit discount that was implemented on February 5, 2002. Based on revenues streams through May 2002, it appears the reserve will not decrease to the 4-month maximum level without another building permit fee rate adjustment.

On June 7, 2002, the Central Inspection and Finance Department staffs met with the Wichita Area Builders Association (WABA) Industry Board (the Industry Board was established in response to Resolution 95-950). The budgetary issues and proposed permit fees increases were reviewed; on June 7, 2002, the Industry Board requested that an immediate 25% building permit fee reduction should be implemented in accordance with Resolution 95-950. However, after a more detailed financial analysis was performed by the Finance Department, it is their recommendation that the City implement only a 20% fee discount at this time.

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If the 20% building permit fee reduction is approved, the fee discounts will be implemented on July 9, 2002. Any person obtaining a building permit or submitting building permit plans on or after this date will pay the reduced fee amount.

Formal City Council approval of building permit fee increases or discounts is not required by Resolution 95-950; however, because this is a budgetary matter which effects the annual City budgeting process, Council review and approval of the proposed fee increase is being sought.

Implementing an additional 20% permit discount at this time is expected to allow a fund balance equal to approximately a 3.7 month operating reserve by 2002 year-end.

Per Resolution 95-950 a 3 to 4 month fund balance of budgeted operating expenses is to be maintained.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Knight moved that a 20% reduction in the building permit premium (surcharge) fee, effective July 9, 2002, be approved. Motion carried 7 to 0.

EAST BANK

PREFERRED DEVELOPER AGREEMENT - EAST BANK REDEVELOPMENT PROJECT. (District I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 02-1565.

The City issued a Request for Proposals in September 2002 to real estate developers throughout the United States, asking for proposals to redevelop the area south of Century II Convention Center, known as the East Bank Redevelopment Project Area. The events of September 11th and the recent economic downturn resulted in the City receiving only one proposal, even after an extension of the deadline for receiving proposals. The one proposal received is from a group of local developers formed for this project under the leadership of Jack P. DeBoer, called Riverwalk, L.L.C. The proposal submitted by this group is for the development of a mixed-use project that includes apartments, condominiums, multi-story office buildings, retail shops and restaurants to be built around a public waterway. The group is asking to be designated as the City's preferred developer for this area for a period of time that will allow exclusive negotiation of a detailed development agreement. To this end, a Memorandum of Understanding and Agreement to Negotiate Exclusively ("MOU") is presented for City Council approval.

The proposed MOU has a term of 180 days during which the City agrees not to negotiate with other developers for redevelopment of the project area, and Riverwalk LLC agrees not to undertake similar development projects in other areas. The project area is identified in the MOU is bounded by Kellogg on the south, Main on the east, Waterman on the north and the Arkansas River on the west. The City already owns 75% of the land in the proposed project area and Riverwalk LLC has obtained purchase options on nearly all land not owned by the City. Under the terms of the proposed MOU, the City will assume the purchase options and agree to extend them as needed in order to acquire ownership of the land as part of the final development agreement.

The Riverwalk LLC proposal calls for public funding of the waterway, land acquisition and a central public parking facility. The MOU itself does not create an obligation for public funding, but rather establishes a basis for negotiating possible public investment that will only be obligated by the final development agreement. The MOU does create an obligation to extend real estate purchase options for up to six months at a potential cost of \$35,000 per month. This cost will be charged to the project if an agreement is reached; if not, the cost will be charged to the Economic Development Fund reserve.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

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Motion --

-- carried

Knight moved that Riverwalk, L.L.C. be designated as the City's preferred developer for the East Bank Redevelopment Project; the Memorandum of Understanding be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

There were no appointments made.

CONSENT AGENDA

Knight moved that the Consent Agenda be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JULY 1, 2002.

Bids were opened June 28, 2002, pursuant to advertisements published on:

53rd Street North Bridge at Little Arkansas River - 53rd Street North between Arkansas & Meridian. (87 N-0202-01 / 472-83401/715684/241100) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Dondlinger & Sons - \$1,252,596.75* (Base bid total with alternate 2)

*Subject to KDOT approval

2002 contract maintenance area concrete street repairs Phase 5 - North of 55th Street South, east of Hoover. (472-83602/132712/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III & VI)

McFadden Construction - \$150,000.00 (Engineer's estimate)

Chapel Hill/Crestwood/Bedford/Summerfield Loop Street from the north line of 13th Street North to Summerfield to serve Chapel Hill Addition - north of 13th, east of Greenwich. (472-83077 /765739/ /490850) Does not affect existing traffic. (District II)

Kansas Paving Company - \$482,617.40

Planeview Park Tennis Court Reconstruction 2002 Park CIP to serve Planeview Park - westerly of George Washington Boulevard, Southerly of Ross Parkway. (472-83549/792310/435272) n/a (District III)

Southwest Recreation Inc. - \$95,331.00 (Corrected total)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT DEPARTMENT/ENGINEERING DIVISION: FSDO Office Expansion. (501030)

Commerce Construction Service - \$162,900.00 (Total net bid)

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WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Electric Actuator.
(184754)

Mead Obrien Inc. - \$34,425.00 (Total net bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Switchboard SB-D Spare
UV Disinfection Breaker. (624051)

Stanion Wholesale Electric - \$18,899.00* (Total net bid)
*1% 10th

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Replace Siding and Exterior
Façade Improvements. (097817)

S & A Construction Inc. - \$109,750.00 (Total net bid)

PARK DEPARTMENT/RECREATION DIVISION: Folding Tables & Chairs. (792310)

Southern Aluminum Manufacturing, Inc. - \$24,605.38 (Total net bid)

PARK DEPARTMENT/RECREATION DIVISION: Concrete Pathway Improvements K96 Fishing
Lake. (602043)

Helmets Construction - \$13,000.00 (Total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid,
and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

| <u>Renewal</u> | <u>2002</u> | <u>(Consumption on Premises)</u> |
|----------------|-------------|----------------------------------|
|----------------|-------------|----------------------------------|

| | | |
|--------------------|--------------------|-----------------|
| Richard A. Diamond | Ti's Diner, Inc. * | 928 West Second |
|--------------------|--------------------|-----------------|

(Consumption off Premises)

| | | |
|--------------|--------------|-----------------------|
| Mike Bidwell | Dillons #249 | 2212 North Maize Road |
|--------------|--------------|-----------------------|

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --
-- carried

Knight moved that the licenses be approved subject to Staff review and approval. Motion carried
7 to 0.

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Sub-Division Plans and Specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

a) Northwest Sewer Main Pump Station Force Main - 135th West from 21st North to 37th North.
(468-83134/624064/651006) Traffic to be maintained during construction using flagpersons and
barricades. (District V) - \$1,749,420.00

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b) Water main replacement project to serve the area from Harry to Pawnee and from Greenway to St. Francis to serve Eureka or Rock Island, Rosenthal's 5th, English's 9th, and other Additions - south of Harry, east of McLean. (448-89412/636092/779172) Traffic to be maintained during construction using flagpersons and barricades. (District I, III, IV) - \$3,300,000.00

c) Eagles Landing, from the east line of the plat, west and south to the southwesterly line of Lot 19, Block C, and on Willow Point from the east line of the plat, west to the west line of Dellrose Circle, Eagles Landing Court (Lots 1 through 4, Block D) from the north line of Eagles Landing, north to and including the cul-de-sac, on Eagles Landing Court (Lots 7 through 15, Block C) from the south line of Eagles Landing, south to and including the cul-de-sac, and on Dellrose Circle from the north line of Willow Point north to and including the cul-de-sac. Sidewalk along one side of Eagles Landing from the east line of the plat west and south to the southwesterly line of Lot 19, Block C, and one side of Willow Point from the east line of the plat, west to the west line of Dellrose Circle to serve Eagles Landing at North Oliver 2nd Addition - south 45th Street North, west of Oliver. (472-83404/765725/490836) Does not affect existing traffic. (District I) - \$435,000.00

d) Lateral 105, Sanitary Sewer 23 to serve Great Plains Business Park Third Addition - south of 37th Street North, east of Olive. (468-83433/743926/480614) Does not affect existing traffic. (District I) - \$10,300.00

e) Water distribution system to serve Ridge Port North Fourth Addition - south of 37th Street North, east of Ridge. (448-89592/735063/470733) Does not affect existing traffic. (District V) - \$104,000.00

f) Water distribution system to serve Great Plains Business Park Third Addition - south of 37th Street North, east of Oliver. (448-89692/735066/470736) Does not affect existing traffic. (District I) - \$95,000.00

g) Inflow/infiltration removal from the sanitary sewer system at the former Wichita Stockyards site - east of Broadway at 21st Street North. (468-83414/624023/658338) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$204,846.00

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

BOARDS MINUTES

BOARDS AND COMMISSIONS MINUTES:

March 18 – District II Advisory Board

March 25 – Alternative Correctional Housing Advisory Board

April 15 – District II Advisory Board

May 6 – District II Advisory Board

May 22- Wichita Employee's Retirement System

May 30 – Design Council

May 30 – Board of Appeals of Air-Conditioning, Refrigeration, Warm Air-Heating and Boilers

June 5 – Board of Appeals of Plumbers and Gas Fitters

June 5 – District IV Advisory Board

June 18 – Library Board of Directors

Motion – carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

COST STATEMENT

STATEMENTS OF COST:

There were no Statements of Costs submitted.

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PETITIONS

PETITIONS FOR PAVING, SANITARY SEWER, AND WATER DISTRIBUTION SYSTEM FOR THE LEGACY ADDITION – WEST OF MERIDIAN AT 44TH STREET SOUTH. (District IV)

Agenda Report No. 02-1566

On November 20, 2001, the City Council approved paving, sanitary sewer, and water distribution system Petitions for The Legacy Addition. As part of the design concept for a storm water sewer, two lots in the Addition have been set aside as drainage reserves. The developer has submitted new Petitions to remove the lots from the improvement districts.

The Legacy Addition is a new residential development located west of Meridian at 44th Street South.

The project budgets are unchanged.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted Motion carried 7 to 0.

RESOLUTION NO. 02-307

A Resolution amending Resolution No. 01-473 pertaining to the construction of Water Distribution System 448-89630 (west of Meridian, at 44th Street South) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte.

RESOLUTION NO. 02-308

A Resolution amending Resolution No. 01-474 pertaining to the Construction of Lateral 481, Southwest Interceptor Sewer (west of Meridian, at 44th Street South) 468-83350 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-309

A Resolution amending Resolution No. 01-476 pertaining to the construction of St. Paul/43rd Street South from the south line of Lot 52, from the north line of St. Paul to and including the cul-de-sac serving Lots 54 through 60, Block 2, The Legacy. 43rd Street Court south from the north line of 43rd Street South to and including the cul-de-sac serving Lots 61 through 66, Block 2, The Legacy. Sidewalk on the south and east side of St. Paul/43rd Street South from the south line of Lot 52, Block 2 to the west line of Lot 18, Block 8 (west of Meridian, at 44th Street South) 472-83440, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

STREET CLOSURE

SPECIAL EVENT STREET CLOSURES.

Agenda Report No. 02-1597

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

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Celebrate 2002 Fireworks Display / July 4, 2002

Street Closures: McLean from Douglas to Maple, 8:00 a.m. – 12:00 p.m. (Approximate time that Fire Marshall anticipates declaring area safe for public; police security is arranged to remove blockades as necessary to allow emergency vehicle access during entire designated time period)

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Knight moved that the request be approved subject to: (1) Event Sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Departments; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

-- carried

STREET CLOSURE

SPECIAL EVENT STREET CLOSURES.

Agenda Report No. 02-1598

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

Automobilia

Saturday, July 13, 2002; 2:00 p.m. to midnight

First Street from Broadway to Rock Island

Topeka from Douglas to Second Street

Emporia from Douglas to Second

St. Francis from Douglas to Second

Mead from First to Second

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Knight moved that the request be approved subject to: (1) Event Sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Departments; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets.

-- carried

Motion carried 7 to 0.

CHENEY SAMPLING

CHENEY WATERSHED SAMPLING/BUREAU OF RECLAMATION.

Agenda Report No. 02-1567

Cheney Reservoir is a major water supply source for Wichita, providing approximately 60% of Wichita's annual water supply. On May 7, 1996, the City Council approved agreements with the U.S. Geological Service (USGS) and the BOR to begin a five-year program to perform water quality analysis at various sites throughout the watershed. On April 24, 2001, City Council approved a Modification of Assistance Agreement that would continue funding for the project.

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The project work and final report were completed after the date of the original Assistance Agreement. This Agreement will extend the completion date and allow the BOR to provide an additional \$133,000 in funding.

Total cost for the project over the five-year period will be approximately \$1,820,000. The original Assistance Agreement assumed that \$900,000 would be provided by the BOR; however, they have provided \$741,500. Since project completion was after the original Agreement date, a new Assistance Agreement is required for the BOR to provide additional funding of \$133,000. With the inclusion of the \$133,000 the BOR will have provided \$874,500. The City's share of the expenses will be paid from Cheney Watershed Protection Plan (CIP W-500) that has an annual authorization of \$300,000.

City Council authorization is required for Agreements in excess of 10,000.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

SUPPLEMENTAL – CONSTRUCTION ENGINEERING AND STAKING FOR MCEVOY AND EQUESTRIAN ESTATES – EAST OF 127TH STREET EAST, SOUTH OF HARRY. (District II)

Agenda Report No. 02-1568

The City Council approved the project on November 20, 2001. On December 11, 2001, the City approved an Agreement with Poe & Associates of Kansas, Inc. to design the improvements. The Design Agreement with Poe requires Poe to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Poe provides for construction engineering and staking for the improvements in McEvoy and Equestrian Estates. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$29,600 and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

SUPPLEMENTAL CONSTRUCTION ENGINEERING AND STAKING FOR LANDSCAPING ON 21ST STREET NORTH FROM HILLSIDE TO OLIVER. (District I)

Agenda Report No. 02-1569

On December 14, 1999, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design 21st Street North from Hillside to Oliver. The Design Agreement with MKEC requires MKEC to provide constructing engineering services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for construction engineering for the landscaping on 21st Street North from Hillside to Oliver. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$9,100.20 and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

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KDOT

CONSTRUCTION ENGINEERING FOR ROCK ROAD AND K-96 INTERCHANGE.
(District I)

Agenda Report No. 02-1570

Rock Road and K-96 was included in the 2001 Capital Improvement Program as part of the Arterial Corridor Program. The project is financed by a combination of City General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation (KDOT). On March 6, 2001, the City Council approved the project for construction. An Agreement between the City and KDOT for construction engineering services has been prepared.

Improvements are needed to improve traffic carrying capacity and to increase safety. Construction is expected to begin this summer.

KDOT will reimburse the City for 80 percent of the cost for construction engineering services, which has an upper limit of \$66,149.49.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

KDOT

CONSTRUCTION ENGINEERING FOR THE 53RD STREET BRIDGE OVER THE LITTLE ARKANSAS RIVER. (District VI)

Agenda Report No. 02-1571

53rd Street Bridge over the Little Arkansas was included in the 2001 Capital Improvement Program as part of the Bridge Program. The project is financed by a combination of City General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation (KDOT). On January 1, 2000, the City Council approved the project for construction. An Agreement between the City and KDOT for construction engineering services has been prepared.

This is a recently annexed bridge, which requires reconstruction in the near future. Construction is expected to begin this summer.

KDOT will reimburse the City for 80 percent of the cost for construction engineering services, which has an upper limit of \$158,692.26.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

HOPE VI PROJECT

HOPE VI PROJECT CONSULTANT.

Agenda Report No. 02-1572

HOPE VI funding is provided by HUD for projects relating to renovation/demolition/construction of distressed public housing projects. The City of Wichita is considering applying for funds for the redevelopment of homes concentrated in 17th & Arnold and 25th & Piatt areas. It is anticipated that 50% of the houses will be eliminated as PH units in the neighborhood with replacement in scattered locations in order to reduce concentration. The houses do not qualify as distressed, however they may qualify based on high concentration and other socio-economic characteristics. The Housing Services Department issued a RFP with response deadline of March 18, 2002. Two (2) responses were received. HUD has not yet issued the NOFA for this year's cycle; however, due to the development requirements, HSD would like to proceed with development of the application in anticipation of the NOFA. The RFP included 2 phases: Phase I for assessment of degree of application competitiveness/eligibility, and Phase II for completion of the application packaging.

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Responses were received from Brown Reynolds Watford (BRW) Architects from Kansas City, MO and Wayne Isaac of Wichita, KS. BRW has extensive experience in such projects and offers to complete both phases for \$216,022. Mr. Isaac has experience in grant writing but has no HOPE VI experience; additionally, he would require a higher degree of staff support to complete the project. Mr. Isaac offers to complete both phases for \$20,000. Historically, it appears that HOPE VI projects are typically larger projects, and with extensive deterioration, than what is proposed by Wichita. Additionally, projects usually require multiple year submittals to obtain funding; no projects have yet been funded in Kansas. The HOPE VI NOFA for 2002 has been delayed in release in order to make the program more accessible for smaller PH projects.

It is the recommendation of the HSD to approve consultant agreement with Wayne Isaac in order to develop first-year application in order to obtain rating feedback from HUD and to provide indication of interest by Wichita for HOPE VI funding; thereby being included in the list of applicants for future year consideration. HSD does not believe that initial year submittal, combined with the smaller scope of our project warrants higher assistance & cost proposed by BRW for 2002 application. The Housing Advisory approved the recommendation for award of the agreement to Wayne Isaac at their June 18, 2002 meeting.

Consultant agreement to be approved to form by Law Department.

Consultant fees will be paid from the Public Housing Capital Fund Program.

Motion --
-- carried

Knight moved that award of the Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

WORKFORCE

WORKFORCE ALLIANCE EXECUTIVE DIRECTOR AND SUPPORT SERVICES.

Agenda Report No. 02-1573

The Workforce Investment Act (WIA) provides federal funds to enable local areas to establish unified workforce development systems and to provide workforce investment activities through those systems. The Workforce Alliance of South Central Kansas (WA) is the local board that provides policy direction for workforce investment activities in south central Kansas. The City of Wichita is designated as the local fiscal agent for the WIA funds.

The WA authorized the use of local WIA administrative funds to procure Executive Director and staff support services for itself. On April 19, 2002 the City's Purchasing Office issued a request for proposals (RFP) for those services and four proposals were submitted in response to the offering. The four proposals were evaluated and ranked by the WA's Executive Committee. The Committee recommends that the Conlee Consulting Group proposal be accepted as the one most responsive to the RFP.

The Conlee Consulting Group proposes a collaborative approach that will utilize four staff to provide a monthly total of 240 hours devoted to Executive Director and support services at the direction of the WA. A division of work has been specified to satisfy the duties and responsibilities of the project. These areas of responsibilities include strategic planning, operations, marketing, office management, finance, Youth Council, workforce development centers, and business and State of Kansas relationships. Contract services will be paid at the rate of \$10,400 per month with the WA reviewing and authorizing the payment of each monthly invoice.

A one-year contract for a maximum of \$124,000 will be executed with the Conlee Consulting Group. The City will use federal WIA funds it receives to pay contract costs. The contract will not obligate general fund monies.

Approval as to form by the Department of Law will be obtained prior to the execution of a contract for the provision of services.

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Motion -- Knight moved that the Conlee Consulting Group be selected as provider of Workforce Alliance Executive Director and support services; and negotiation and signing of Contract be authorized. Motion carried 7 to 0.
-- carried

WSU WORKFORCE WSU WORKFORCE INVESTMENT ACT.

Agenda Report No. 02-1574

The Workforce Investment Act (WIA) provides federal funds to enable local areas to establish unified workforce development systems and to provide workforce investment activities through those systems. The Workforce Alliance of South Central Kansas (WA) is the local board that provides policy direction for workforce investment activities in south central Kansas. The City of Wichita is designated as the local fiscal agent for the WIA funds.

At its August 7, 2001 meeting the City Council approved renewal of a WA Staff Support Services Contract between the City and Wichita State University's Hugo Wall School for Urban Studies (WSU). The contract was renewed for a one-year period that expires June 30, 2002 at a budget of \$80,737 with additional contract reimbursements possible for Workforce Alliance Board directed projects. An option to renew the contract for one additional year is available.

The Council is being requested to approve renewal of the WSU Staff Support Services Contract through June 30, 2003 with a reduced budget of \$15,000 and a correspondingly reduced scope of services. Under the renewed contract's scope of services WSU will serve as the official liaison between the WA and the Regional Economic Area Partnership (REAP) to fulfill duties identified in WIA.

A one-year contract renewal for a maximum of \$15,000 will be executed with WSU. The City will use federal WIA funds it receives to pay contract costs. The contract will not obligate general fund monies.

Approval as to form by the Department of Law will be obtained prior to the execution of a contract renewal.

Motion -- Knight moved that the Contract renewal be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

GILBERT & MOSLEY GILBERT AND MOSLEY PROJECT AMENDMENT.

Agenda Report NO. 02-1575

The City of Wichita intervened into a contract with Camp Dresser & McKee Inc, and Engineers and Constructors for Environmental Consulting and the Design and Construction of the Gilbert & Mosley Remediation System and Educational Facility at Herman Hill Park. As this project continues, the scope of work has changed regarding the environmental remediation and monitoring needs as well as on the construction of the remediation and educational facility located in Herman Hill Park.

This Amendment makes some changes to the scope of work of the existing contract; Amendment 10a for the general project and environmental consulting services, and Amendment 10b for the design and construction activities. The following is a summary of the proposed scope changes for the amendment:

Eliminates Plume F source control and remediation that is now being handled by KDHE under the Dry Cleaners Trust Fund.

Provides source control and ground water monitoring at alternative locations required by the KDHE/City of Wichita agreement and additional areas accepted by the City through settlements

Provide continued litigation and arbitration support as needed

Revises scope of education building to provide enhanced educational facilities

Allows the City more flexibility in changing the activities within individual task when Project changes necessitate and reallocate funds accordingly.

Allow the City to approve additional self-performance efforts by CDM E&C.

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Total contract amount is reduced by \$55,000.00. No additional funds will be required for the amendment, although scope of work have changed. Funds already approved in the project will remain, but applied to other related activities.

Motion -- Knight moved that the amendment be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

DESIGN SERVICES **SUPPLEMENTAL – HARRY FROM OLIVER TO WOODLAWN.** (Districts II and III)

Agenda Report No. 02-1576

On December 14, 1999, the City entered into an Agreement with Savoy, Ruggles & Bohm, P.A. (SRB) for designing Harry from Oliver to Woodlawn. The fee was \$96,700.

SRB has been asked by the Water & Sewer Department to replace the water main in Harry from Oliver to Woodlawn. A Supplemental Agreement has been prepared for the additional design services.

Payment will be on a lump sum basis of \$14,000 and will be paid by Water Utility Operating Revenues.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES **GREAT PLAINS BUSINESS PARK THIRD ADDITION – EAST OF OLIVER, NORTH OF K-96.** (District I)

Agenda Report No. 02-1577

The City Council approved the project on June 4, 2002.

The proposed Agreement between the City and Poe & Associates of Kansas, Inc. provides for the design of bond financed improvements in Great Plains Business Park 3rd Addition. Per Administrative Regulation 7a, staff recommends the selection of Poe as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$39,800, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

BAR CODE SYSTEM **BAR CODE SYSTEM.**

Agenda Report No. 02-1578

The Sewage Treatment Division has completed the transition to Wonderware and Avantis for the plant operating system and inventory control. The transition to Wonderware/Avantis was made from Facility Maintenance Technology (FMT), due to FMT being outdated and apparently with no future upgrades becoming available. Due to the lack of support and problems with FMT, Wonderware/Avantis was selected as the replacement considering their experience and market share in the industry.

The implementation of Wonderware/Avantis is complete and Staff is positioned to implement the final phase of the project. The proposed Avantis bar coding node is a Wonderware product and is compatible with existing software. It will significantly improve the division's ability to perform inventory control. The operating and inventory software will be utilized at Sewage Treatment Plants #1 and #2, Four Mile Creek Wastewater Treatment Plant, and the Cowskin Water Quality Reclamation Facility. All data will be routed and centralized at Sewage Treatment Plant #2.

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Total cost for the complete package (software, hardware, and system integration) is \$15,509. Funding is available in CIP S-513, Sewage Treatment Plant #2 Improvements.

City Council approval is required for purchases over \$10,000. Purchase Ordinance No. 35-856, Section 2(b) provides for the purchase of equipment and supplies from sole sources of supply without advertising for bids. The purchase will be made from Logic Control Sales, Inc.

Motion --
-- carried

Knight moved that the purchase, under the Purchasing Ordinance provisions from the sole source of supply, be approved. Motion carried 7 to 0.

IMAGING

LASERFICHE IMAGING PROJECT SOFTWARE.

Agenda Report No. 02-1579

LaserFiche Imaging server hardware and software was purchased in December of 1998. Imaging has been in place and is used extensively in the City Clerk's, Police Records, Water and Finance Departments at this time. The system has performed beyond the life expectancy and will be undergoing hardware and database upgrades. It is more cost effective to enhance the system with additional Web based features during the implementation of software upgrades.

This purchase of additional Web-based (Internet/Intranet) imaging system software enhancements will enable access of the imaging system via a Web-based browser. The web-based product will result in reduced overall costs in support and deployment of imaging services to City customers/public or users (Mini-City Halls, Public Safety Substations, City Hall) and provide convenient public records access to all scanned images immediately on the Intranet/Internet.

Purchasing Ordinance No. 38-122 (g) High Technology Items: The Purchasing Manager is authorized to negotiate purchase of high technology items subject to ratification and approval by the Governing Body.

The fee to enhance current software and provide one year of support totals \$20,785.00. Purchase at this time will result in savings of \$7,000 over purchase at later time due re-license (trade-in) of obsolete software products due to upgrade.

Motion --
-- carried

Knight moved that the purchase of the Web-based imaging system software upgrade from Galaxie Business Equipment Inc. be approved. Motion carried 7 to 0.

PROPERTY ACQ.

PARTIAL ACQUISITION OF 608 WEST DOUGLAS. (District IV)

Agenda Report No. 02-1580

The City Council on August 10, 1999, approved funding to improve West Douglas between Seneca and McLean Boulevard. The project requires the partial acquisition of two parcels for reconstruction and upgrading of Douglas to rehabilitate and reconstruct the pavement and sidewalk where necessary to add aesthetic enhancements. This tract is part of the property located at 608 West Douglas, owned by Comsol Management Group, Inc.

The subject tract contains approximately 330.07 square feet and will require the taking of three parking spaces and the closing of one drive. The property owner has agreed to accept the City's offer of \$9,000.00. The City will be responsible for relocating the sign and restriping the parking lot.

A budget of \$10,500 is requested. This includes \$9,000 for the acquisition, and \$1,500 for title insurance and miscellaneous closing costs. General Obligation bonds will be used for this project.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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PROPERTY ACQ. ACQUISITION OF EASEMENT FOR KECHE SANITARY SEWER MAIN. (District I)

Agenda Report No. 02-1581

The City Council has approved the construction of a sanitary sewer main from Hydraulic and 37th St. North to 53rd Street North west of K-254 at the request of the City of Kechi. Four of five property owners have previously agreed to grant the City the easements over their property.

The fifth property owner, Dearman and Darlene Galloway, has agreed to accept \$ 1,070.00 for this easement over 4,650 square feet.

A budget of \$1,450 is requested for the acquisition and associated closing costs. The cost of the acquisitions will be included in the assessment district.

Motion -- Knight moved that the budget and the Contract be approved; and the necessary signatures be
-- carried authorized. Motion carried 7 to 0.

GOLF COURSE AMENDING RESOLUTIONS – AUBURN HILLS GOLF COURSE CLUBHOUSE – SOUTH OF MAPLE, WEST OF 119TH STREET WEST. (District V)

Agenda Report No. 02-1582

On August 4, 1998, the City Council approved Petitions to assess a portion of the cost of the Auburn Hills Golf Course Clubhouse to the surrounding residential development. As a result of subsequent platting activity, small parts of the improvement districts are now street right-of-way or golf course property.

Amending Resolutions have been prepared to remove the street right-of-way and golf course property from the improvement districts.

The assessment of \$650 per lot is unchanged.

State Statutes provide the City Council authority to modify an improvement district by amending Resolution.

Motion -- carried Knight moved that the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-310

A Resolution amending Resolution No. R-98-332 pertaining to the construction of a golf course clubhouse (south of Maple, west of 135th Street West) Project No. 472-82988, in the city of Wichita, Kansas, pursuant to findings of Advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-311

A Resolution amending Resolution No. R-98-336 pertaining to the construction of a golf course clubhouse (south of Maple, west of 135th Street West) Project No. 472-82992, in the city of Wichita, Kansas, pursuant to findings of Advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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1997-2001 CIP

AMENDING RESOLUTIONS – 1997-2001 CAPITAL IMPROVEMENT PROGRAM.

Agenda Report No. 02-1583

Many of the City's Capital Improvement Program projects are bonded under the authority of Kansas Statute 13-1024c. The Resolutions associated with such projects are routinely reviewed by the State Attorney General's Office. During a recent review, it was requested that the City's Resolution form be revised to provide more clarity about the projects and that existing Resolutions be revised to provide additional detail.

Amending Resolutions have been prepared to comply with the request of the Attorney General's Office.

There is no impact on project budgets.

Motion -- carried

Knight moved that the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-312

A Resolution amending Resolution No. 01-532 authorizing the issuance of Bonds by the City of Wichita at Large for the swimming pool improvements in Boston Park, Evergreen Park and College Hill Park, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-313

A Resolution amending Resolution No. 01-130 authorizing the issuance of Bonds by the City of Wichita at Large for the acquisition of land and construction of soccer fields in the vicinity of 33rd Street North at Ohio Street, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-314

A Resolution amending Resolution No. 02-089 authorizing the issuance of Bonds by the City of Wichita at Large for the Construction of a Skate Board Park under the Kellogg Overpass at St. Francis Street, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-315

A Resolution amending Resolution No. 00-446 authorizing the issuance of Bonds by the City of Wichita at Large for swimming pool improvements in Orchard Park, Linwood Park and Country Acres Park, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-316

A Resolution amending Resolution No. 01-072 pertaining to certain improvements in the Arkansas Riverbank, between Kellogg and Seneca Street (Project Number 472-82799) and authorizing the issuance of Bonds by the City of Wichita at Large, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 02-317

A Resolution amending Resolution No. R-00-157 pertaining to certain improvements to construct a Museum District Boulevard from the intersection of Central Avenue at Seneca to approximately one-half mile westerly of the intersection of Central Avenue at Seneca (Project Number 472-83228) and authorizing the issuance of Bonds by the City of Wichita at Large, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-318

A Resolution amending Resolution No. 01-322 pertaining to certain improvements to construct an Intelligent Transportation System that includes improvements to Kellogg and arterial streets within the Corporate Limits of the City of Wichita, Kansas (Project Number 472-83413) and authorizing the issuance of Bonds by the City of Wichita at large, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-326

A Resolution amending Resolution No.96-388 authorizing the issuance of Bonds by City of Wichita at large for the placement of new outdoor lighting at Linwood Recreation Center, Lynette Woodard Recreation Center, Edgemoor Recreation Center, Orchard Recreation Center and Botanica, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-327

A Resolution amending Resolution No. R-98-378 authorizing the issuance of Bonds by the City of Wichita at Large for the design and installation of playground equipment at South Woodland Park, Sherwood glen and the Law Enforcement Training Center, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-328

A Resolution amending Resolution No. R-99-011 authorizing the issuance of Bonds by the City of Wichita at Large for bikepath, sports court, skate facility pedestrian bridge and sidewalk improvements in Emery Park, Grove Park, the Third Street Drain west of Hillside ,and the Arkansas Riverbank between Central and 13th Street.

RESOLUTION NO. 02-329

A Resolution amending Resolution No. R-00-217 authorizing the issuance of Bonds by the City of Wichita at Large for the design and reconstruction of tennis courts at Ralph Wulz Riverside Tennis Center, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-330

A Resolution amending Resolution No. R-99-328 authorizing the issuance of Bonds by the City of Wichita at large for the design and construction of a soccer complex at 29th Street North and Greenwich Road to include soccer fields, lighting, grandstand seating and a concession building, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-331

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A Resolution amending Resolution No. R-99-491 authorizing the issuance of Bonds by the City of Wichita at Large for the placement of new outdoor lighting at Spruce Park, Piatt Park, McAdams Park and Westside Athletic Field, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-332

A Resolution amending Resolution No. R-01-133 authorizing the issuance of Bonds by the City of Wichita at Large for the renovation of park facilities and amenities, including fountains, athletic fields and spectator seating, at McLean and Douglas Avenues, South Lakes Athletics Complex, Schell Park and 33rd Street and Ohio Street.

RESOLUTION NO. 02-333

A Resolution amending Resolution No. R-01-530 authorizing the issuance of Bonds by the City of Wichita at Large for the renovation of park facilities and amenities, including fencing, irrigation systems, athletic field turf and recreation centers at Linwood Park, Lincoln Park, 13th Street North and Wabash, and Boston Park, introduced and under the rules laid over.

RESOLUTION NO. 02-334

A Resolution amending Resolution No. R-02-118 authorizing the issuance of Bonds by the City of Wichita at Large for the paving of a parking lot at South Lakes Softball Complex, 47th Street South and Meridian, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-335

A Resolution amending Resolution No. 02-023 authorizing the issuance of Bonds by the City of Wichita at Large for the design and construction of sidewalks and park paths at W.B. Harrison Park, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-336

A Resolution amending Resolution No. 02-024 authorizing the issuance of Bonds by the City of Wichita at Large for the placement of new outdoor lighting and replacement of old outdoor lighting at Heritage Park, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

IMP. 33RD STREET

DIRECTING AND ORDERING A PUBLIC HEARING ON ADVISABILITY OF IMPROVING 33RD STREET NORTH – EAST OF AMIDON, NORTH OF 29TH STREET NORTH.

(District VI)

Agenda Report No. 02-1584

33rd Street North, east of Porter is a sand street. Attempts to obtain a valid paving Petition have not been successful. A Resolution to order a public hearing has been prepared that will provide an opportunity for the project to proceed.

The project, if approved, will connect to existing pavement to the east and west.

The estimated project cost is \$137,000 with \$129,750 assessed to the improvement district and \$7,250 paid by the City. The City share is for intersection paving. The proposed method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$00.21 per square foot of ownership. The funding source is special assessments.

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State Statutes provide the authority for the City Council to order in the paving. Adopting the Resolution does not obligate the Council to approve the project, only to hold a public hearing on August 20, 2002. Agenda Report No. 02-1583

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION 02-319

A Resolution directing and ordering a public hearing on the advisability of an improvement, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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ORDINANCES

SECOND READING ORDINANCES: (First read June 25,2002)

- a) Evaluation of Boards and Commissions.

ORDINANCE NO. 45-346

An Ordinance of the City of Wichita, Kansas pertaining to the continuing of existence and abolition of Boards, Agencies, and Commissions: amending Section 2.12.1200 and 2.12.1201 of the Code of the City of Wichita, and repealing the original of said Sections, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) Amending Ordinances relating to changes in State Laws.

1. Driving under the influence of alcohol and/or drugs.

ORDINANCE NO. 45-347

An Ordinance amending Section 11.38.150 of the Code of the City of Wichita, Kansas, pertaining to driving under the influence of alcohol and/or drugs and repeal of the Original Section 11.38.150, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

2. Issuing a worthless check.

ORDINANCE NO. 45-348

An Ordinance amending Section 5.42.020 of the Code of the City of Wichita, Kansas, pertaining to giving a worthless check and repeal of the original Section 5.42.020, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

3. Inhalation of certain elements.

ORDINANCE NO.45-349

An Ordinance amending Section 5.28.010, and repealing Sections 5.28.020, 5.28.030, 5.28.040, and 5.28.050 of the Code of the City of Wichita, Kansas, pertaining to unlawful acts, inhalation of certain elements, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- c) Amendments to Salary and Position Classification Ordinance.

ORDINANCE NO. 45-350

An Ordinance establishing position classification for employees of the City of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges amending Ordinance No. 45-183, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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d) ZON2002-20 – northwest of the West Central/West Street Intersection. (District VI)

ORDINANCE NO. 45-351

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PLANNING AGENDA

Marvin Krout Director of Planning stated that the Planning Agenda could be considered as consensus, except Items unless the Council desired to withhold other Items.

Motion -- carried Knight moved that the Planning Agenda be approved as consensus Items. Motion carried 7 to 0.

SUB2001-119 **SUB2001-119 – PLAT OF NORTHEAST MIDDLE SCHOOL ADDITION – SOUTH SIDE OF 45TH STREET NORTH, WEST OF OLIVER.** (District I)

Agenda Report No. 02-1585

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat (14-0)

This plat is zoned SF-5, Single-Family Residential.

Petitions, all 100%, have been submitted for sewer, water, drainage and paving improvements. A Certificate of Petitions has also been submitted. As required by the drainage plan for this site, an off-site drainage agreement was provided. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant.

A contingent dedication of off-site right-of-way has been provided for a connection to the property to the east; however MAPC approved the plat with an outright dedication of off-site right-of-way.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, restrictive covenant, off-site drainage agreement, and off-site contingent dedication of right-of-way s will be recorded with the Register of Deeds.

Motion -- Knight moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.
-- carried

RESOLUTION NO. 02-320

Resolution of findings of advisability and Resolution authorizing construction of Water System Number 448-89702 (south of 45th Street North, west of Oliver) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 02-321

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89703 (south of 45th Street North, west of Oliver), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-322

Resolution of findings of advisability and Resolution authorizing construction of Lateral 6, Main 12, Sanitary Sewer No. 23 (south of 45th Street North, west of Oliver) 468-83469 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-323

Resolution of findings of advisability and Resolution authorizing improving of Broadview Circle from the south line of 45th Street North, south to and including cul-de-sac, and; sidewalk to be constructed along both sides of Broadview Circle (south of 45th Street North, west of Oliver) 472-83604, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2001-127

SUB2001-127 – PLAT OF WOODLAND LAKES COMMUNITY CHURCH ADDITION – NORTH SIDE OF LINCOLN, ON THE EAST SIDE OF GREENWICH. (District II)

Agenda Report No. 02-1586

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This replat is zoned SF-5, Single-Family Residential and MF-18, Multi-Family Residential.

Petitions for paving and sewer improvements have been submitted previously for the original plat. A petition, 100%, has been submitted for paving improvements. A Certificate of Petition has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petition will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-02-324

Resolution of findings of advisability and Resolution authorizing improving of a southbound left turn lane on Greenwich Road to provide left turns into a major entrance to Woodland Lakes Community Church Addition, 472-83559 (north of Harry, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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DED2002-18

DED2002-18 – DEDICATION OF UTILITY EASEMENT FOR PROPERTY ON THE SOUTHWEST CORNER OF 37TH STREET NORTH AND RIDGE ROAD. (District V)

Agenda Report No. 02-1587

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. SUB 2002-25, and is being dedicated for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

There are no financial considerations.

Motion -- carried

Knight moved that the Dedication be accepted. Motion carried 7 to 0.

V-2207

V-2207 – VACATE UTILITY EASEMENTS – SOUTHEAST CORNER OF CENTRAL AND HILLSIDE. (District II)

Agenda Report No. 02-1588

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant is requesting to vacate adjoining utility easements (totaling 20-feet in width) on adjacent lots. These lots will be used for future commercial development. The developer has provided a temporary construction easement, a substitute easement for the relocation of the sewer line in the existing easement a financial guarantee.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds with the conditions that certified copy of a dedication of a temporary easement will be recorded with the Register of Deeds, a certified copy of a dedication of a utility easement will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the vacation order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2001-00015

VAC2001-00015 – VACATE 30-FOOT DRAINAGE EASEMENT – SOUTHEAST OF 33RD STREET NORTH AND MEADE AVENUE INTERSECTION. (District VI)

Agenda Report No. 02-1589

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant proposes expansion of the York facility on this site. To accommodate the expansion the applicant proposes to vacate the 30-ft drainage easement lying over the south 30-ft of Lot 2, Coleman Company Addition. The City Engineer has approved the storm water sewer project that re-routed the drainage and was a condition of Public Works for the vacation of the drainage easement.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

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A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the vacation order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2001-00026

VAC2001-00026 – VACATE 20-FOOT SQUARE UTILITY EASEMENT – SOUTH OF HIGHWAY 54 ON SOUTH MAIZE ROAD – 1630 SOUTH MAIZE ROAD. (District V)

Agenda Report No. 02-1590

Staff Recommendation: Approve
MAPC Recommendation: Approve (unanimous)

The applicant proposes to vacate the 20-foot x 20-foot utility easement and install a Verizon equipment shelter. Verizon is proposing to locate on the existing tower and the equipment shelter will house their equipment. The Wireless Ordinance encourages co-location of wireless equipment on existing towers. The applicant has submitted a site plan showing the location of the proposed equipment shelter and has superimposed (hatched area) the approximate location of the 20-foot x 20-foot easement. The Mid-America Ag Network Addition Plat was recorded 06-17-91.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds with the conditions that a certified copy of a Dedication of a Utility Easement will be recorded with the Register of Deeds, and the applicant provide guarantee for the relocation of the utilities.

Motion --
-- carried

Knight moved that the vacation order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2001-00059

VAC2001-00059 – VACATE PORTION OF ALLEY – SOUTH OF DOUGLAS AVENUE, WEST OF MARTINSON. (District IV)

Agenda Report No. 02-1591

Staff Recommendation: Approve
MAPC Recommendation: Approve (unanimous)

The applicant, USD 259, is requesting consideration to vacate an alley that was dedicated in 1977 to provide access onto Martinson Avenue. The alley proposed for vacation runs east onto Martinson from an alley that runs north to south. The north to south alley is 75-feet long with two residences abutting it on the east side and the properties abutting it on west being owned by USD 259. The north to south alley intersects, on its north end, with another alley running east (Martinson) to west (Elizabeth), this alley provides access for the 2 abutting eastern residences. The proposed vacated alley is located entirely within USD 259 property. Neither of the alleys (the north to south and the proposed vacated alley) appear to have been used for some time and are not paved. USD 259 is proposing improvements and expansion of Franklin Elementary at this site. The vacation of the alley running west to east will not adversely affect traffic in the area or deny access to any properties. The Fire Department had no objection to the vacation request.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds and the condition that the north 10-ft of Lot 17, Lawrence's 3rd Addition be retained as a utility easement.

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Motion --
-- carried

Knight moved that the vacation order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2002-00017

VAC2002-00017 – VACATE PORTION OF PLATTED 50-FOOT STREET SIDE SETBACK – NORTHEAST OF THE MAIZE AND MACARTHUR INTERSECTION. (District V)

Agenda Report No. 02-1592

Staff Recommendation: Approve.
MAPC Recommendation: Approve (unanimous)

The applicant proposes to add to the existing structure. The applicant requests to vacate the west 10-feet, of the platted 50-foot setback running parallel and adjacent to Norman Street, on Lot 5, Block C, Mid-Continent Industrial Park I Addition, 9800 West York.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the vacation order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

Z-3350 and Z-3360

Z-3350 AND Z-3360 – EXTENSION OF TIME TO COMPLETE PLATTING REQUIREMENT FOR ZONE CHANGE REQUESTS FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL – SOUTH OF MAPLE, EAST OF RIDGE. (District V)

Agenda Report No. 02-1593

Staff Recommendation: Approve extension of time to complete platting.

On February 8, 2000 and May 2, 2000, the City Council approved zone change requests from "SF-5" Single-Family Residential to "LC" Limited Commercial on properties located south of Maple and east of Ridge. Approval of the zone change requests was subject to the condition of platting the properties within one year. An application to plat the properties was submitted on June 2, 2000; however, the applicant requested several deferrals during the platting process, which prevented completion the plat prior to the deadline. At the request of the applicant, staff approved an extension of time to complete platting to November 2, 2001. The applicant subsequently requested two additional deferrals of the platting process, which prevented completion the plat prior to the extended deadline. On November 1, 2001, the applicant requested an additional six-month extension of time to complete platting, which was granted by the City Council on November 20, 2001. The second extension of time to complete platting expired on May 2, 2002, and the plat has not yet been completed. Therefore, the applicant has requested another extension of time to complete platting to August 31, 2002. MAPC Policy Statement No. 5 indicates that subsequent extensions of time to complete platting require City Council approval.

Motion --
-- carried

Knight moved that the extension of time to complete platting to August 31, 2002, be approved. Motion carried 7 to 0.

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Z-3359

Z-3359 – EXTENSION OF TIME TO COMPLETE PLATTING REQUIREMENT FOR ZONE CHANGE REQUEST FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL – SOUTH OF MAPLE, EAST OF RIDGE. (District V)

Agenda Report No. 02-1594

Staff Recommendation: Approve extension of time to complete platting.

On May 2, 2000, the City Council approved a zone change request from “SF-5” Single-Family Residential to “LC” Limited Commercial on property located south of Maple and east of Ridge. Approval of the zone change request was subject to the condition of platting the property within one year. An application to plat the properties was submitted on June 2, 2000; however, the applicant requested several deferrals during the platting process, which prevented completion the plat prior to the deadline. At the request of the applicant, staff approved an extension of time to complete platting to November 2, 2001. The applicant subsequently requested two additional deferrals of the platting process, which prevented completion the plat prior to the extended deadline. On November 1, 2001, the applicant requested an additional six-month extension of time to complete platting, which was granted by the City Council on November 20, 2001. The second extension of time to complete platting expired on May 2, 2002, and the plat has not yet been completed. Therefore, the applicant has requested another extension of time to complete platting to August 31, 2002. MAPC Policy Statement No. 5 indicates that subsequent extensions of time to complete platting require City Council approval.

Motion --
-- carried

Knight moved that the extension of time to complete platting to August 31, 2002, be approved. Motion carried 7 to 0.

**ZON2002-00009
CON2002-00006**

ZON2002-00009 AND CON2002-00006 – REZONING TO LIMITED COMMERCIAL AND A CONDITIONAL USE FOR SELF-SERVICE STORAGE WAREHOUSE – SOUTH OF 13TH STREET NORTH, WEST OF ST. PAUL. (District VI)

Agenda Report No. 02-1595

MAPC Recommendation: Approve, subject to staff recommendation (12-0).

DAB Recommendation: Approve, subject to staff recommendation (9-0).

Staff Recommendation: Approve, subject to conditions.

The applicant owns U-Stor Self Storage located at 2935 W. 13th St. N. and proposes to expand the facility on adjoining property located immediately east of the existing facility. The subject property is zoned “LC” Limited Commercial except for the south 20 feet, which is zoned “B” Multi-Family Residential. The applicant is requesting to rezone the south 20 feet of the subject property to “LC” Limited Commercial. Additionally, Self-Service Storage Warehouse requires a Conditional Use in the “LC” Limited Commercial zoning district; therefore, the applicant is requesting a Conditional Use on the entire subject property.

The character of the surrounding area is that of mixed-uses with commercial, office, and multi-family uses along the 13th Street corridor and single-family residential uses along St. Paul. The properties to the north and west of the subject property are zoned “LC” Limited Commercial and are developed with a self-storage facility, a mortuary, and a doctor’s office. The properties to the south and east of the subject property are zoned “SF-5” Single-Family Residential and are developed with single-family residences, most of which are well maintained but a few of which are showing signs of long-term neglect.

The area along 13th Street between St. Paul and Custer transitioned from single-family residential use to office and commercial uses over a 20 year period from the mid-1960s to the mid-1980s. In the last 20 years, the current boundary between residential and non-residential uses has remained in place, and the subject property and a small commercially-zoned tract on Custer are the only remaining undeveloped non-residential properties in this area. Well planned commercial developments on these properties that provide significant buffers to reinforce the existing boundary between residential and

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non-residential uses should help stabilize the few troubled residential properties in the area and prevent further encroachment of non-residential uses into the area. To that end, the applicant has proposed an extension of an existing commercial business onto the subject property that provides such buffers.

The applicant submitted an elevation drawing of the proposed addition to the self storage facility. The applicant proposes that the exterior of two new storage buildings be of a stucco-like material in a beige color that matches the existing storage buildings. The roof of the proposed storage buildings would be flat with a slight slope for drainage and would be constructed of brown colored metal, which also matches the existing storage buildings. The applicant proposes to use the walls of the storage buildings as the primary screening for the facility, with an eight-foot high wooden fence providing screening in the gaps between storage buildings.

The applicant submitted the site plan showing the proposed location of the two new storage buildings in relation to the existing storage facility. The proposed site plan does not conform to three of the Supplementary Use Regulations of the Unified Zoning Code for Self-Storage Service Warehouses. First, the applicant is proposing a 15-foot building setback from St. Paul, rather than the code-required 20-foot building setback. The applicant's justification for this proposal is that the applicant is dedicating an additional five feet of right-of-way for St. Paul as a condition of a Lot Split; therefore, the buildings will be set back 20 feet from the existing property line. Second, the applicant is proposing not to add any parking spaces for the two new storage buildings, rather than the code-required one additional parking space. The applicant's justification for this proposal is that the code provides for reductions of the parking requirement when existing businesses are expanded or remodeled. Third, the applicant is proposing a 51% building coverage, rather than the code-required 45% building coverage. The applicant's justification for this proposal is that the 45% building coverage is a new code requirement put in place since the existing facility was developed, and the existing facility was developed at a 57% building coverage. The City Council may grant the applicant's requested modifications to the Supplementary Use Regulations since a favorable recommendation has been received from the MAPC.

The Compatibility Setback Standards of the Unified Zoning Code are more strict than the Supplementary Use Regulations for Self-Storage Warehouses and require any non-residential use on the subject property to have a 25-foot setback from the south property line. The applicant proposes a 15-foot setback along the south property line in order to maintain the building setback line of the existing storage facility. The Compatibility Setback Standards can be reduced by a Zoning Adjustment approved by the Planning Director and Zoning Administrator, and planning staff finds that a reduction of the 25-foot compatibility setback is appropriate in this instance.

At the DAB VI hearing on June 3, 2002, there were no speakers, other than the applicant, either in favor of or in opposition to the request. DAB VI expressed concern with the existing storage facility regarding outdoor storage, the lack of screening, and low-lighting. The applicant indicated that the screening and lighting would be improved through the expansion of the facility. The Office of Central Inspection is investigating outdoor storage at the existing facility since it is not permitted. DAB VI voted (9-0) to approve the request subject to the conditions listed below.

At the MAPC hearing on June 6, 2002, one speaker asked questions regarding the location and design of the expanded facility but did not express opposition to the request. The MAPC voted (12-0) to approve the request subject to the following conditions:

1. The requirements of Section III.D.6.y. of the Unified Zoning Code shall be met except as noted in Conditions 2-4.
2. Section III.D.6.y.(3) shall be modified to permit a 15-foot building setback along St. Paul for self-service storage warehouse buildings on the subject property.
3. Section III.D.6.y.(7) shall be modified to require no off-street parking for self-service storage warehouse use of the subject property as long as eight parking spaces are provided on the adjoining property to the west in the location indicated on the approved site plan.

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4. Section III.D.6.y.(18) shall be modified to permit a 51% building coverage for self-service storage warehouse buildings on the subject property.
5. The operation of the self-service storage warehouse facility shall in no way be deemed to include a transfer and storage business, where the use of vehicles are part of such business, nor shall storage space be rented or leased to any commercial business, individual or corporation for the storage of any merchandise, stock, furnishings, or vehicles of a business of any kind.
6. A copy of the Conditional Use Resolution shall be maintained in the office for the convenience of the manager and the tenants. In addition, a log of all tenants shall be maintained on the premises for review by the Office of Central Inspection to assure compliance that no commercial storage is occurring in violation of the Conditional Use.
7. All public ingress/egress to the subject property shall be from 13th Street North via the adjoining self-storage property to the west. Access to the St. Paul shall be limited to emergency vehicle access and only if required by the Fire Department. If the Fire Department requires emergency vehicle access to St. Paul, the access drive shall be paved with "Grassy Pavers" or a similar material that will allow emergency vehicle access across the buffer area landscaped with grass.
8. The landscaped yards required by Section III-D.6.y.(4) shall contain plant material at a rate of 1 ½ times the requirements of the Landscape Ordinance and shall be installed and maintained in conformance with a landscape plan approved by the Planning Director.
9. The site shall be developed in general conformance with the approved site plan and elevation drawing. All improvements shall be completed within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
10. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

After the MAPC hearing, three protest petitions were received. None of the protest petitions are valid because they are not within a 200-foot radius of the property. Also, one of the protest petitions was received after the protest petition period had expired. An map shows the location of the protesting properties in relation to the subject property.

Motion --

-- carried

Knight moved that the zone change and Conditional Use, subject to the recommended conditions, be approved; the Ordinance be placed on first reading; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-325

A Resolution authorizing a conditional use for self-service storage warehouse, on 0.35 acres zoned "LC" Limited Commercial, generally located south of 13th Street North and west of St. Paul, in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-975, as amended, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2002-00009

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ZON2002-00025

ZON2002-00025 – ZONE CHANGE FROM LIMITED COMMERCIAL TO OFFICE WAREHOUSE – SOUTH OF 13TH STREET NORTH, EAST OF EDWARDS. (District VI)

Agenda Report No. 02- 1596

MAPC Recommendation: Approve, subject to staff recommendations. (12-0)

D.A.B Recommendation: Approve, subject to staff recommendations. (9-0).

Staff Recommendation: Approve, subject the condition of a Lot Split.

The applicant requests a zone change from “LC” Limited Commercial to “OW” Office Warehouse on a 0.38 acre platted tract located south of 13th Street North and east of Edwards. The subject property is the former home of Tiemeyer Meat Company, and the structure that housed that business was recently razed.

The character of the surrounding area is that of a commercial arterial corridor that is developed with a variety of commercial, office, and multi-family uses. The properties adjacent to the subject property in all directions are zoned “LC” Limited Commercial.

The proposed use of the subject property is a 9,180 square foot general warehousing and distribution center for the all of the Johnson’s Garden Centers, including the one that has been located across Edwards to the west since 1947. The proposed use is defined by the Unified Zoning Code as Construction Sales and Service, which is first permitted by-right in the “OW” Office Warehouse zoning district if the business is not primarily a retail establishment. Since the proposed use will serve multiple Johnson’s Garden Centers and is not located on the same zoning lot as the Johnson’s Garden Center to the west, the proposed use cannot be considered accessory to the retail garden center and is not permitted in “LC” Limited Commercial zoning.

The “OW” Office Warehouse zoning district is primarily intended to accommodate office and warehousing activities for the building trades and similar businesses with operating characteristics that do not require highly visible locations or the type of vehicular access needed for retail and high-intensity office development. The “OW” Office Warehouse zoning district permits outdoor storage; however, the outdoor storage area is limited to an area equal to the size of the warehouse building and must be screened from any adjacent lot, regardless of its zoning. Since the subject property is along a local street and is adjacent to commercial zoning on sides, none of the provisions of the Landscape Ordinance will apply to the subject property.

At the DAB VI hearing on June 3, 2002, there were no speakers in favor of or in opposition to the request. DAB VI expressed concerns regarding the storage of chemicals in the warehouse and the lack of required landscaping. DAB VI voted (9-0) to approve the request subject to the recommendation of staff. At the MAPC hearing on June 6, 2002, there were no speakers in favor of or in opposition to the request. MAPC voted (12-0) to approve the request subject to the recommendation of staff.

Motion --

-- carried

Knight moved that the zone change, subject to the condition of a Lot Split; be approved and the Ordinance be placed on first reading with publication being withheld until the Lot Split is recorded with the Register of Deeds. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2002-00025

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Motion -- carried

Knight moved that the rules be set aside and Items be taken up off the Agenda. Motion carried 7 to 0.

AIRTRAN AIRWAYS

Mayor Knight

Mayor Knight said, "It is no secret that lowering air fares at Wichita's Mid-Continent Airport is a top priority for the City of Wichita. It is no secret we have been and continue to be very aggressive about achieving that goal. We made the Fair Fares slogan a battle cry for this community and the community rallied to join the fight against sky-high airfares. I promised that we were going to change the way Wichita business travels; that we were going to change the way airlines do business in Wichita; and in the process, that we were going to forge a new model for solving community problems - and we have.

"One month ago AirTran Airways, one of the world's leading low fare airlines, started serving Wichita Mid-Continent Airport. The results have been nothing short of amazing. AirTran is making it possible for business and leisure travelers to get where they need to go when they need to go - and at fares they can afford - all from Wichita Mid-Continent Airport.

"As I mentioned, the results after only one month are astounding."

Mike Taylor

Government Relations Director stated that airfares had decreased from 60 to 70 percent while passenger traffic, during the month of May had increased by 8 percent. The increase in air traffic has been achieved while national air travel has decreased by 8.7 percent. During May 2002, 122,000 passengers flew out of Wichita Municipal Airport - this compares to May 2001, 112,000 passengers. Aviation consultants estimate direct air fare savings of \$3.2 million for May, and \$5.1 million for June.

Ray Trail

Director of Finance said the AirTran Agreement stipulates the City pay certain marketing expenses at \$300,000 per year for two years, and guarantee stop-loss payments. The City just received the first AirTran invoice for stop-loss with the initial payment being \$732,000 for the month of May. Some of the costs the City will pay to AirTran will become self-funding to the extent that activity generates income. It appears that all of the City's marketing costs may be defrayed, and as much as one-third of stop-loss may be defrayed.

Mayor Knight

Mayor Knight said, "The commitments to AirTran Airways through the City and the Fair Fares Travel Bank represent a partnership between the citizens and businesses of South-Central Kansas and AirTran. These commitments are helping reduce some of the high risk of starting new airline service. The Fair Fares Travel Bank Program and the financial partnership with the City of Wichita are the reason AirTran is here.

"I don't know of any business which can open its doors and turn a profit in the first month - especially when it is facing such intense competition from competitors. What does this mean for our community? The most important element is the direct savings of an estimated of \$42.3-million dollars in air fare costs for businesses and travelers in South-Central Kansas. That projection is on track with savings of \$3.2-million in direct airfare costs in one short month. Balance the \$732,000 support payment against \$3.2-million in savings and you don't have to be a math whiz or a financial expert to realize we are way ahead. It is an investment not an expense, and it is an investment that is returning huge dividends.

"This will open Wichita to new economic development, tourism and much more. Who knows how many new businesses this will help bring to our community? Or how many of our existing businesses will prosper even more? We know that there will be many.

"I can not stress enough the importance of people using AirTran and supporting that service. And, if support for AirTran continues to grow and build, we have a very good chance of attracting Frontier Airlines to Wichita, which will help lower airfares for people flying west to Denver.

"No community can succeed or even survive unless its citizens dedicate their attention and energy to discuss issues and address challenges. That is the very spirit of community. And Wichita is a great community. The City of Wichita has proven it can and will tackle serious problems, find sensible solutions that work, and then put those solutions to work for the good of the community.

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“As citizens of the Wichita and South-Central Kansas community you have taken control of your own destiny. You have challenged conventional wisdom. You have rejected the status quo. You have been aggressive and refused to take “no” for an answer. For all of our citizens to advance and succeed, we must join together to meet challenges and solve problems. On this crucial community issue we are succeeding.”

Motion -- carried

Knight moved that the report be received. Motion carried 7 to 0.

TREE TRIMMING.

Council Member Pisciotte Council Member Pisciotte stated, “The Wichita City Council repealed its much debated tree trimming ordinance two weeks ago. Within a week after that, local regulation was erased from the books, Westar returned to town and resumed butchering Wichita trees.

“The Wichita City Council passed the tree trimming ordinance in 2000 as the result of a public outcry from hundreds of citizens upset about the way Westar Energy (KGE) pruned their trees. Citizens demanded the City Council take action to stop Westar crews from “butchering” their trees. Efforts by City officials to negotiate more moderate tree trimming practices with Westar failed, so the ordinance was enacted.

“Westar representatives ran to the Legislature and made it sound as if the tree trimming ordinance was just arbitrarily imposed on them and the utility was a victim of an unreasonable City Council. The fact is, had Westar practiced responsible and reasonable tree trimming practices in the first place, there would have been no need for the ordinance. The tree trimming ordinance was not an act of aggression against Westar, it was an act of self defense on behalf of Wichita citizens. Now we are seeing why it was needed.

“The City of Wichita repealed the ordinance because the Legislature took Westar’s side and passed Senate Bill 545. It allows Westar to go to the Kansas Corporation Commission and try to impose additional charges on Wichita electric bills because of the tree trimming ordinance. We were backed into a corner and forced to repeal the ordinance or risk having electric bills increase.

“The Legislature took sides against Wichita and in favor of Westar. Too many legislators, many who claim to be against big government intervention in our lives, were more than willing to step in and impose their views on us. Unfortunately, many legislators believe their role as elected officials should extend well beyond being stewards of State Government. Many are eager to be watchdogs over local governments, restricting and preempting decisions made by citizens and local elected officials.

“Very few legislators helped Mayor Bob Knight and the Wichita City Council win drastic reductions in the unfair electric rates Westar Energy charged its South Central Kansas customers. But, many of those legislators were more than willing to help Westar find a back door way to raise rates through the use of unwarranted surcharges. We were forced with either repealing the ordinance or risking having Wichita residents pay extra for the privilege of not having their trees butchered by Westar.

“As you can see by these pictures (shown on the overhead screen) Westar is again butchering our trees. We can’t stop them, but citizens can complain by calling Westar, calling the Kansas Corporation Commission and calling their legislators.”

“South Central Kansas Senators who supported SB 545

Dave Kerr

Dave Corbin

Nancey Harrington

Greta Goodwin

Susan Wagle

Jay Emler

CONTACTS

Kansas Corporation Commission

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fax: 785-271-3354

email: public.affairs@kcc.state.ks.us

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Westar Energy
Phone: (785) 575-6300
Email: corpcom@wr.com

Motion -- carried

Pisciotte moved that the report be received. Motion carried 7 to 0.

ADJOURNMENT

The City Council meeting adjourned at 9:57 a.m.

Pat Burnett CMC
City Clerk